

PLANNING COMMISSION REPORT



MEETING DATE: September 29, 2004 ITEM No. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Horseman's Park - South Parcel - 3-GP-2004

REQUEST

Request a General Plan Land Use Element Amendment from Suburban Neighborhoods to Office on a 4.6 +/- acre parcel located at the northeast corner of 98th Street and McDowell Mountain Ranch Road.

Key Items for Consideration:

- This property is located adjacent to the Westworld complex, making residential uses less desirable on this site.
- Office uses will provide a transition between Westworld's activities and the residential neighborhoods to the northeast.
- The Old Verde Canal separates this property from residential development to the north.

Related Policies, References:

- At this time there is no concurrent zoning case with this request.
- 33-ZN-2000 – Horseman's Park Planned Community District.
(zoning overlay adopted to limit development standards to preserve view corridor)

OWNER

North Scottsdale PK INV LTD Part 1
480-945-7754

APPLICANT CONTACT

John Berry
Beus Gilbert PLLC
480-429-3103

LOCATION

Northeast corner of McDowell
Mountain Ranch Road and 98th St.

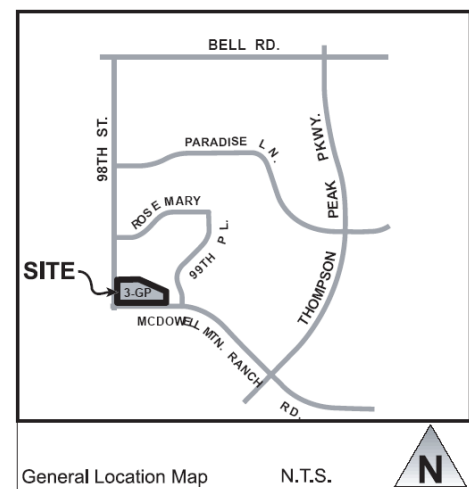
BACKGROUND

General Plan.

The General Plan Land Use Element designates the property as Suburban Neighborhoods. This category includes medium to small lot single-family neighborhoods. Densities in Suburban Neighborhoods are usually more than one house per acre, but less than eight houses per acre. This category also includes some townhouses and can be used for small lot single-family homes such as patio homes.

Major Amendment.

Growing Smarter Acts (state statutes) required the City Council to establish



criteria for a major amendment to the General Plan. The Scottsdale City Council established the criteria for a major General Plan amendment in February 2001. Those criteria are a part of the city's General Plan, and include a land use change matrix, a size criteria, and Character Area and Water/Wastewater Infrastructure criteria. (See attachment 4). If a proposed change meets any of the criteria, the proposal constitutes a major amendment to the General Plan. A land use change from Suburban Neighborhoods to a Minor Office or an Office designation is considered a major amendment, regardless of the size of the parcel.

Context.

The surrounding properties include the following land use designations: Cultural/Institutional to the southeast and west; Developed Open Space to the southwest; Suburban Neighborhoods to the north, northeast, and east; Commercial and Urban Neighborhoods a little further to the east. Westworld equestrian event center is located to the west and southwest of the subject property. The Old Verde Canal is located along the north edge of this property and separates it from the residential properties to the north, northeast, and east.

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

This is a request for a major General Plan amendment to change the land use designation from Suburban Neighborhoods to an Office designation. At this time there is no concurrent zoning case with this request. However the applicant has indicated that the anticipated development at this location would have a residential scale and character, which would suggest a minor office use.

**GENERAL PLAN
ELEMENT ANALYSIS****Land Use**

The existing land use description is an appropriate land use as it falls along the edge of a larger Suburban Neighborhoods designation that encompasses a majority of the land north of McDowell Mountain Ranch Road, south of Bell Road, east of the 98th Street alignment and west of the Urban Neighborhoods designation within McDowell Mountain Ranch. The Office designation, north of this Suburban Neighborhoods along the south side of Bell Road, was also a major general plan amendment, approved in 2001. The change was from the Suburban Neighborhoods to Office designation. This request to amend the land use category for this portion of the Suburban Neighborhoods designation is the closest to the non-residential use (Westworld Equestrian Facility) and its Cultural/Institutional land use designation.

Use of this property should be compatible with the residential uses allowed within the Suburban Neighborhoods but also the intensity of activities at Westworld and its larger Cultural/Institutional area. Because this site is physically separated from the existing Suburban Neighborhoods by a berm (Old Verde Canal) and mature vegetations, a low-scale office use (minor office land use description) would provide an appropriate transition from the events and activities of the Westworld facility to the nearby residential uses.

Character and Design

The Character and Design Element emphasizes good design by sensitively responding to the character of the surrounding natural and built settings.

Regardless of the outcome of this General Plan amendment, the property will retain its Environmentally Sensitive Land (ESL) designation and be subject to ESL development standards. Special attention should be paid to ensure that this project promotes design consistent with the goal as the project goes through the zoning and Development Review process. In accordance with the Character and Design Element goal of supporting the preservation of archaeological and cultural resources, the proposal indicates that the Old Verde Canal will be buffered from development with setbacks and open space.

Economic Vitality

The General Plan amendment provides an opportunity for office and employment uses on this property. Currently, the McDowell Mountain Ranch development to the east contains the nearest non-residential uses to this proposal. Although this proposal may offer services and employment more conveniently located to the neighborhood, it is not anticipated to have a significant impact on the City's overall economic growth due to the relatively small size of the property.

Community Involvement

The goal of seeking early and ongoing involvement in project discussions is discussed in the Community Involvement Element. Specifically, one of the approaches states that the project developer/owner should be able to demonstrate citizen involvement and how comments were incorporated into the proposal recommendations.

The surrounding property owners within 750 feet of this property have been notified, the site has been posted, and the applicant discussed this proposal at a neighborhood meeting in June. Also in June, a city-sponsored informational open house was held. The applicant plans on having an additional neighborhood meeting prior to the September 29, 2004 Planning Commission hearing. Other than general inquiries, there have been no comments regarding this application. At the August 18th Planning Commission hearing, one citizen spoke with concern of potential encroachment on a 33-foot Government Land Office (GLO) roadway easement, but did not object to this request.

Housing/Neighborhoods

The Housing Element emphasizes choice and opportunity in housing. Due to the size of the parcel, this proposal does not have a substantial impact on housing choice or opportunity. Its proximity to the non-residential impacts of Westworld, there could be potential 'quality of life' issues for a Suburban Neighborhoods use. The proposal will add an office component to buffer existing single-family residential neighborhoods to the north and east and to provide convenient neighborhood services in a growing area.

Open Space and Recreation

Aside from the open space required through the ESL development standards and the preservation of the Old Verde Canal, the goals and approaches of the Open Space Element are at a larger purview than this site/proposal.

Preservation and Environmental Planning

The proposal indicates that the Old Verde Canal will be buffered from development with setbacks and open space, which will preserve the historical integrity of the Canal in accordance with the General Plan goal of supporting the preservation of archaeological and cultural resources.

Cost of Development

This proposal does not have a substantial impact on the city's ability to provide public services or infrastructure or capital facilities development.

Growth Areas

This proposal is not in the identified growth areas or activity areas where concentrated development should be focused.

Public Services and Facilities

The proposed change will have an estimated increase in water use of 10 acre feet per year. Wastewater generated is expected to be approximately 9 acre feet per year. This is a minimal impact and will not affect the goals or approaches of the Public Services and Facilities Element.

Community Mobility

The proposal would likely increase traffic, however the property has access to McDowell Mountain Ranch Road and 94th Street, which are both major collector streets. The nearest roadway of significance to the citywide mobility system is Thompson Peak Parkway. The proposal is not anticipated to have a significant impact on local traffic or the citywide mobility system.

COMMUNITY IMPACT

An office use would provide an appropriate transition from the events and activities of the Westworld facility to the nearby residential uses, and it would maintain the residential scale and character of the area. Office uses on this property would also provide local service and employment opportunities for the existing residential area. Due to the location and size of this property, this proposal is not anticipated to have a significant impact on the surrounding area or overall community.

STAFF
RECOMMENDATION
RESPONSIBLE
DEPT(S)

Staff recommends approval.


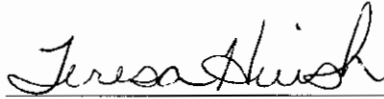
Planning and Development Services Department
Planning and Design Services and Current Planning Services

STAFF CONTACT(S)


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APPROVED BY



Tim Curtis/Teresa Huish
Report Authors



Kurt Jones, AICP
Director, Current Planning

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Existing General Plan Land Use Map
- 3A. Proposed General Plan Land Use Map
4. Major General Plan Amendment Criteria
5. Zoning Map
6. Neighborhood Involvement Report
7. City Notification Map
8. August 18, 2004, Planning Commission Minutes

GENERAL PLAN AMENDMENT

Case # 62-PA-03 B

Northeast Corner of 98th Street & McDowell Mountain Ranch Road

1. GENERAL PLAN AMENDMENT CHECKLIST
2. APPLICATION FORM
3. GENERAL PLAN AMENDMENT APPLICATION FEE (57% of Rezoning Fee)
4. GENERAL PLAN CITIZEN NOTIFICATION & PUBLIC INVOLVEMENT PROGRAM (Neighborhood Involvement Program)
 - A. Neighborhood Involvement Packet (**Attachment A**)
 - B. Contact List received a letter mailed April 22, 2004 (**Attachment B** – letter and mailing list). This list includes property owners within 750', HOA's representing property within 750', residents of adjacent properties where potentially occupied by other than owners, and the interested parties identified by the City. A map showing properties contacted is provided as **Attachment C**) and Affidavit of Mailing is provided as **Attachment D**.
 - C. Sign Posting was accomplished on April 22, 2004 (**Attachment E** – Affidavit of Posting)
 - D. An Open House Meeting is proposed to be scheduled in the future
5. CONTEXT GRAPHICS, PLANS & PHOTOGRAPHS THAT SHOW THE RELATIONSHIP OF PROPOSAL TO THE SURROUNDING PROPERTIES
6. ADDITIONAL CONTEXT GRAPHICS/TABLES
7. NARRATIVE RESPONDING TO HOW THE GENERAL PLAN AMENDMENT PROPOSAL FURTHERS THE GOALS OF EACH OF THE GENERAL PLAN GUIDING PRINCIPLES

The General Plan Amendment proposal achieves the intent of the CityShape 2020 Guiding Principles. The proposal addresses the **preservation of meaningful open space** through the proposed use of the site for low density, residentially scaled office uses. This use will be able to accommodate generous setbacks from the Old Verde Canal that will contribute to the sense of openness that is found in the general area.

The proposed use is capable of **enhancing the existing neighborhoods** to the north to the extent that it will establish uses that are viable and stable for many years into the future. The proposed use will respect the character of the adjacent neighborhood in scale and design.

Future office uses will **support Scottsdale's economic vitality** by providing services that support both residential and other business uses in the area. They can also reduce the demand for long-distance commuting and provide a balance of uses in this part of the community.

The proposal seeks to **support community sustainability** by contributing to travel reduction and by adding to the balance of uses in the area.

The ability of the site's re-use to **value Scottsdale's unique lifestyle and character** will be borne out in the sensitivity of project development through building design, building materials, site landscaping, and site access solutions.

CityShape 2020 guiding principle of **advancing transportation** is proposed to be met through this General Plan amendment process and a future rezoning. The applicant is proposing a land use that works well within the single-family residential neighborhood context. The creation of an office use transition is also a land use pattern that encourages shorter and fewer automobile trips and greater mobility choices for residents who live nearby and wish to access office employment opportunities and local services.

The proposed land use designation creates a land use transition from McDowell Mountain Ranch Road north to the existing residentially developed and zoned land. This road is a 4 lane minor arterial at Thompson Peak Parkway and is the third entrance to Westworld. Depending on the nature of an event at Westworld, this alternative entrance may become a carrier of significant vehicular traffic.

8. ANALYSIS*

4.6 acres are proposed to be changed from a "Suburban Neighborhoods" to an "Office (minor)" General Plan land use designation.

- the estimated decrease in population this proposed General Plan amendment will create is 38
- The estimated decrease in elementary, middle, and high school age children this proposed General Plan amendment will create is 7
- The estimated increase this proposed General Plan change will have on water use per year will be 10 acre feet/year

- The estimated increase this proposed General Plan change will have on wastewater generation per year will be 9 acre feet/year
- The estimated increase this proposed General Plan change will have on solid waste generation per year will be 31tons
- The estimated increase this General Plan change will have on vehicle trips per day is 468
- The estimated increase in the number of employees this proposed General Plan change will result in is 96

Source: City of Scottsdale Land Use Impact electronic spreadsheet

9. PROVIDE DISCUSSION AND ANALYSIS OF ANY CHANGES TO THE APPROVED PLANS, GOALS, AND/OR POLICIES CONTAINED IN EACH GENERAL PLAN ELEMENT THAT THE PROPOSED AMENDMENT WOULD MAKE (LIST EACH ELEMENT AND DISCUSS THE APPLCABLE PLANS AND POLICIES WITHIN EACH ELEMENT AS IT RELATES TO THE PROPOSED GENERAL PLAN AMENDMENT)

LAND USE ELEMENT

POLICY: locate employment uses where impact on residential neighborhoods are limited and access is available at city-wide and regional levels

DISCUSSION: The proposed office development is an employment use located on the extension of a minor arterial road (McDowell Mountain Ranch Road at Thompson Peak Parkway. This land use alternative will provide the neighborhood to the north with a meaningful buffer from this road that serves as alternative access to Westworld. Impacts on the neighborhood will be addressed building design, building materials, site landscaping, site access, and the physical barrier of the Old Verde Canal berm.

POLICY: encourage transitions between different land uses and intensities through the use of gradual land use changes, particularly where natural or man-made buffers are not available

DISCUSSION: The proposed office development is intended to be an appropriate transition from the Westworld to the developing and future residential uses immediately north of the subject property. These projects become visual and to some extent audio screens from the activity and noise emanating from Westworld events.

POLICY: provide a balance of live work and play land uses and development intensities that enable convenient non-automotive trips (pedestrian, cycling, and transit) where environmentally and physically feasible

DISCUSSION: The proposed office project will create employment opportunities and will offer services to the immediate neighborhood that may be able to take advantage of non-automotive trips.

POLICY: The General Plan "Office" designation includes the concept of a minor office use. This is an office use that has a residential scale and character. It, by definition, has low to moderate traffic volumes. These office uses are generally one-story structures with at-grade parking. Strict development and landscape requirements are intended to protect adjacent residential uses

DISCUSSION: The applicant proposes a residentially-scaled office development consistent with the residential neighborhood on its west, north, and east sides. The proposed zoning (S-R) will ensure that the single story structures with at grade parking.

CHARACTER AND DESIGN ELEMENT

POLICY: Recognize the value and visual significance that landscaping has upon the character of the community and maintain standards that result in substantial, mature landscaping that reinforces the character of the city.

DISCUSSION: It is anticipated that this project will be developed with the Suburban desert character per the Character Types Map.

POLICY: encourage lighting designs that minimize glare and lighting intrusions into neighborhood settings

DISCUSSION: This is an important site planning and project amenity consideration that will be addressed in the development of this project.

PRESERVATION AND ENVIRONMENTAL PLANNING ELEMENT

POLICY: Promote ... the use of non-auto related travel to reduce traffic congestion, energy consumption and air pollution

DISCUSSION: The re-use of the site for professional office uses can provide employment opportunities for residents who reside within the

adjacent neighborhood. Additionally, the services provided by prospective tenants may meet the needs of nearby residents who can access the site without the use of the personal automobile.

COMMUNITY INVOLVEMENT ELEMENT

POLICY: Institute and use public involvement plans to identify interested parties, their concerns and interests, and opportunities for providing information and involvement

DISCUSSION: The **GENERAL PLAN CITIZEN NOTIFICATION & PUBLIC INVOLVEMENT PROGRAM** identifies the community involvement required to ensure that interested parties are fully informed about the proposal and have meaningful opportunities to provide input as to concerns and interests.

ECONOMIC VITALITY ELEMENT

POLICY: Locate and integrate non-residential development to improve access and visibility and to protect the integrity of neighborhoods

DISCUSSION: The development of the site for office uses, compatible with the adjacent single-family residential neighborhood to the north, is an ideal choice for the site given its proximity to the activities of Westworld. The ability of the proposed project to buffer the existing neighborhood from Westworld and McDowell Mountain Ranch Road is expected to be a stabilizing factor for the existing neighborhood.

HOUSING ELEMENT

POLICY: Preserve the quality of existing dwellings and neighborhoods so that people will find our community a healthy, safe, and attractive place

DISCUSSION: The ability of the proposed project to buffer the existing neighborhood from Westworld and McDowell Mountain Ranch Road is expected to be a stabilizing factor for the existing neighborhood.

NEIGHBORHOODS ELEMENT

POLICY: Guide infill (new development in an established area) development to ensure that such development efforts are context-appropriate to the surrounding neighborhoods

DISCUSSION: This proposed project is context appropriate for its location, given its proximity to McDowell Mountain Ranch Road and the activities of Westworld.

10. DISCUSSION OF HOW THE PROPOSED AMENDMENT CONTRIBUTES TO ACHIEVING THE CITY'S GOALS REGARDING SCENIC CORRIDORS, VISTA CORRIDORS, CHARACTER AREA PLANS, NEIGHBORHOOD PLANS, HOUSING DIVERSITY, ECONOMIC DIVERSITY, AND TRANSPORTATION ACCESSIBILITY AND MODES OTHER THAN AUTOMOBILE TRAFFIC

The subject property is within the McDowell Mountain Ranch Character Area. This character area located east of the McDowell Mountains, west of the Central Arizona Project dike and extends from Taliesin northward to Union Hills Road. The McDowell Mountain Ranch master planned community occupies most of the area, although there are a number of parcels, such as the subject property, at the south and west edges.

Although the character area plan is yet to be developed, a brief area summary describes the natural terrain as an area with many large washes and heavily planted floodplains. The developed setting today has dominant elements expressed through the use of deep browns and grays for building walls and roofs, stonework and heavily textured surfaces, frequent use of metalwork in fencing and building details, and a strong dominance of native plants in the landscaping of public areas and visible areas.

It will be critical for the proposed office use of the subject property to create a compatible expression of character through the use of commonly used materials and colors, along with lush native vegetation

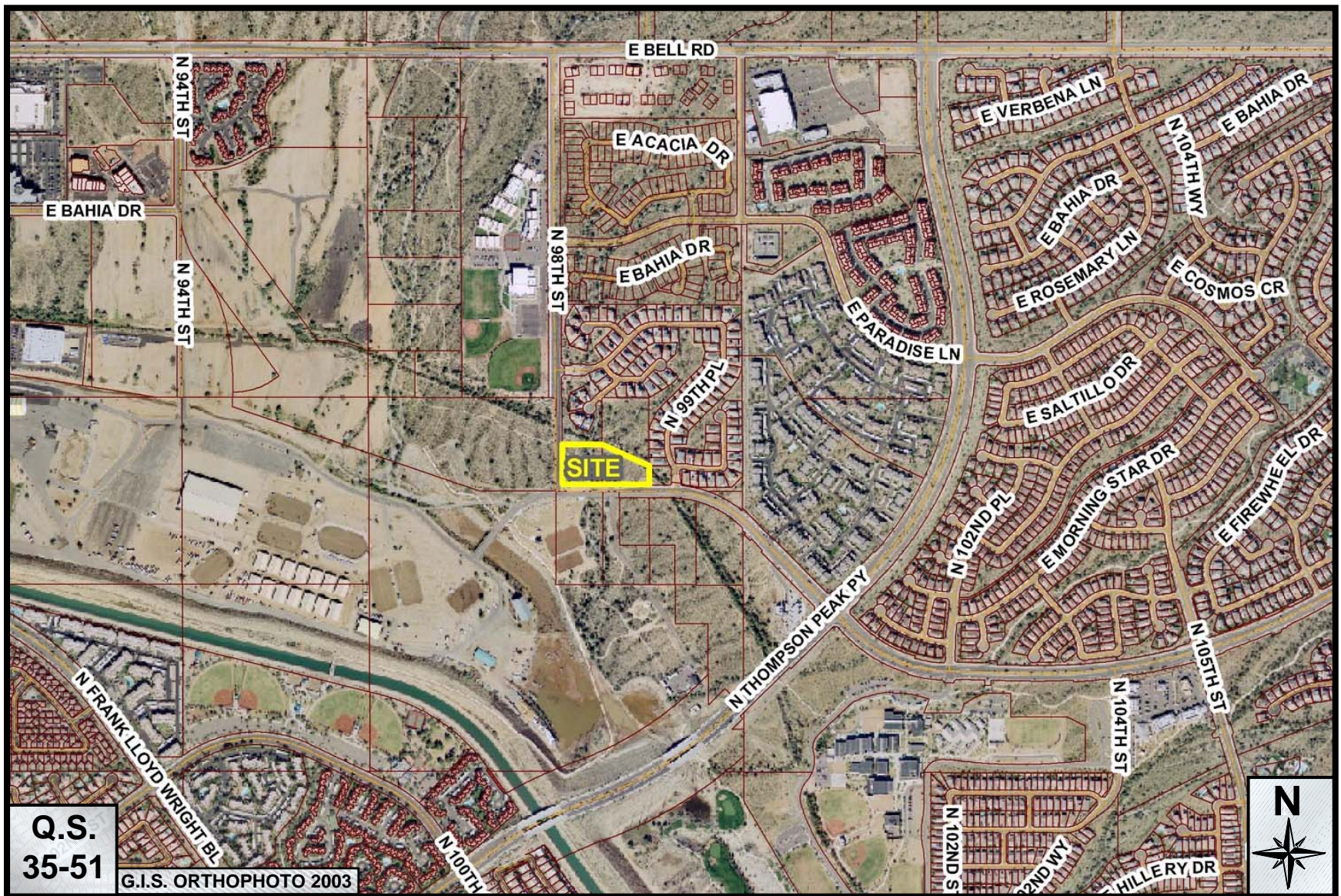
The subject property is adjacent to the "Old Verde Canal dike". This corridor is proposed to be maintained as a trail corridor. Accordingly, the proposed land use uses the dike as a natural boundary and visual barrier between the proposed minor office development on the south side and a portion of the Horseman's Park residential neighborhood to the north.

11. DESCRIBE THE KEY ISSUES THAT HAVE BEEN IDENTIFIED BY THE SURROUNDING NEIGHBORHOODS THROUGH THE PUBLIC INVOLVEMENT PROGRAM

To date, the public involvement program to initiate this General Plan amendment process has been focused on written notification to: (1) property owners within 750 ft. of the subject property (via first class letter); (2) Homeowners Associations; (3) adjacent residents if not property owners; (4) other interested parties; and (5) Early Consideration Site Posting.

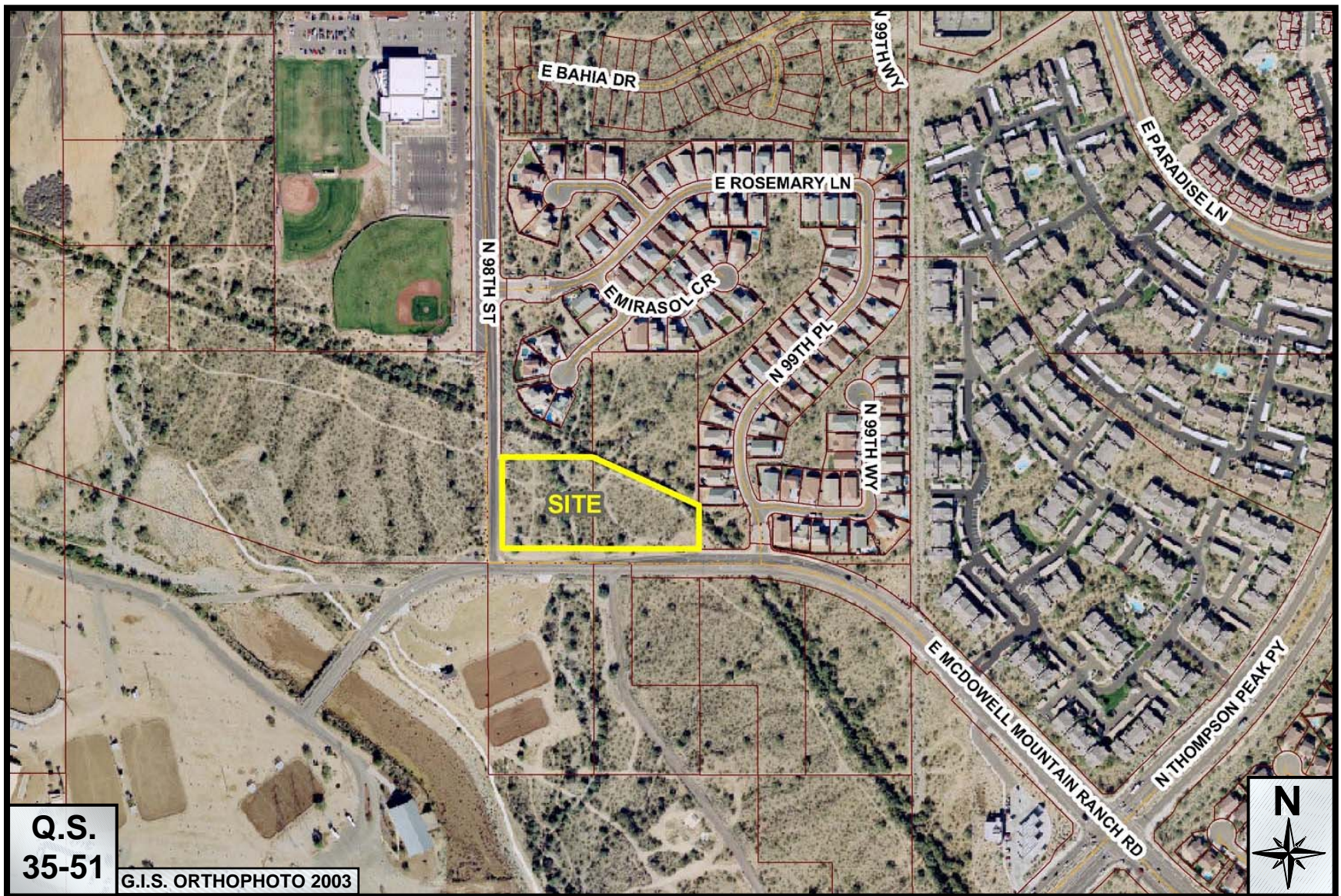
It is anticipated that property owners and residents will have an expectation that the subject property be developed with sensitivity to the existing character of the residential development in the McDowell Mountain Ranch area and the lush upper Sonoran Desert.

These issues and others that may come up in the public involvement process associated with this case will be addressed in an addendum to the Neighborhood Involvement Report documenting the neighborhood open house meeting and other interested party contacts resulting from site posting and written notification.



Horseman's Park - South Parcel

3-GP-2004



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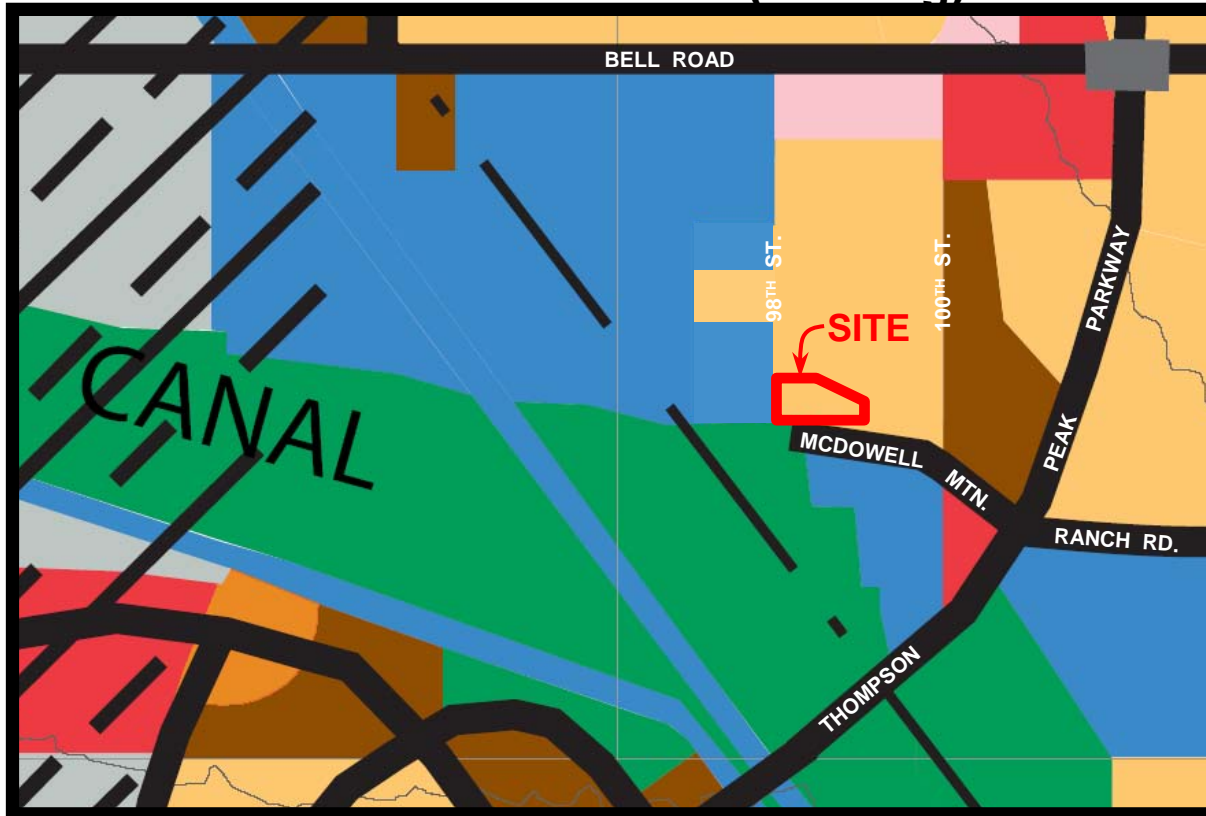
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Horseman's Park - South Parcel

3-GP-2004

ATTACHMENT #2A

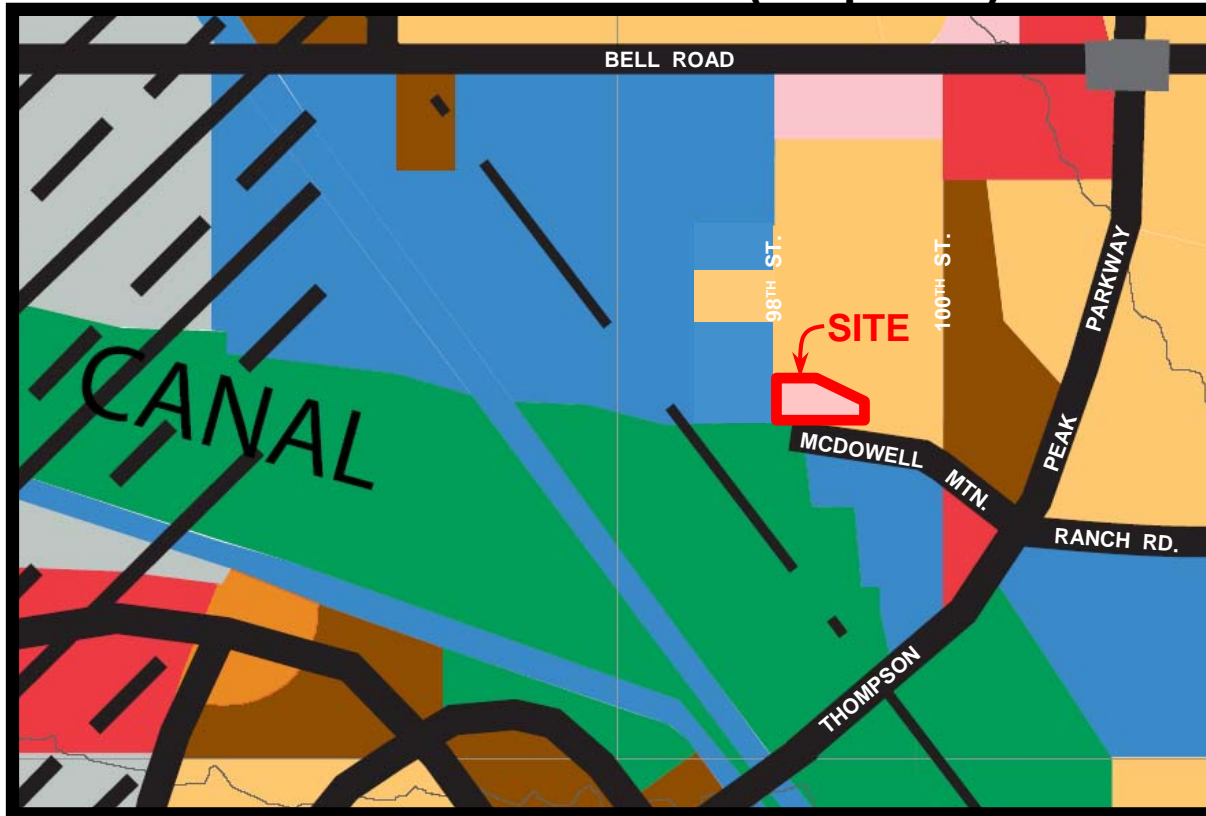
General Plan (Existing)



3-GP-2004
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of August 2003
Revised to reflect Case 4-GP-2002, adopted by City Council October 29, 2002

General Plan (Proposed)



3-GP-2004
ATTACHMENT #3A

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of August 2003
Revised to reflect Case 4-GP-2002, adopted by City Council October 29, 2002

Criteria for a Major Amendment to the 2001 Scottsdale General Plan
(City Council approved 10/30/01)

Scottsdale's Mission: In guiding the formation of the major amendment criteria, it is important to consider the major mission elements of the city, these being –

- a. Preserve Scottsdale's unique southwestern character,
- b. Plan for and manage growth in harmony with the natural desert surroundings,
- c. Promote the livability of the community,
- d. Enhance and protect neighborhoods, and
- e. Ensure and sustain the quality of life for all residents and visitors.

Proposed changes to the land use element of the city's General Plan that compromise the spirit and intent of these mission statements will qualify for consideration as a major amendment to the General Plan.

Scottsdale's Land Use Element: It is important that as proposals are considered in regard to the following criteria that the values and structure of the land use element be used as a guide. These values are an important part of the city's land use plan:

- a. Land uses should respect the natural and man-made environment,
- b. Land uses should provide for an unsurpassed quality of life for both its citizens and visitors,
- c. Land uses should contribute to the unique identity that is Scottsdale,
- d. Land uses should contribute to the building of community unity and cohesiveness,
- e. Land uses should work in concert with transportation systems in order to promote choice and reduce negative impacts upon the lifestyle of citizens and the quality of the environment,
- f. Land uses should be balanced in order to allow for the community to provide adequate live, work and play opportunities, and
- g. Land uses should provide opportunities for the design of uses to fit and respect the character, scale and quality of uses that exist in the community.

It is recognized that a proposed change of land uses within any given portion of the city may have a substantial impact upon the balance of land uses within the city as a whole. The General Plan Land Use Element was formulated and adopted with full consideration of the character and balance of land uses that are appropriate within all distinct areas of the city. Beyond this level of consideration, the plan considers the relationships between and among the various planning areas and studies that have helped to build the plan. This leads to a balance and pattern of land uses that reflects the community's values, aspirations and the city's stated mission.

Character of Land Uses: A change in the planned land uses may have a substantial impact upon the city by transforming the character of the land uses within a given planning area. The character of the land uses may be indicated by the physical intensity of the use in terms of massing, height or relationships between uses; the blending of different types of uses and the patterns and scale inherent to each; or the relative amount, type and placement of open spaces. Significant changes in the established land use character will be considered in determining whether or not a proposal is a major amendment.

Criteria: An amendment to the Land Use Element of Scottsdale's General Plan shall be defined as a major amendment if it meets any one of the following criteria:

1. *Change in Land Use Category*

A change in the land use category on the land use plan that changes the land use character from one type to another as delineated in the following table:

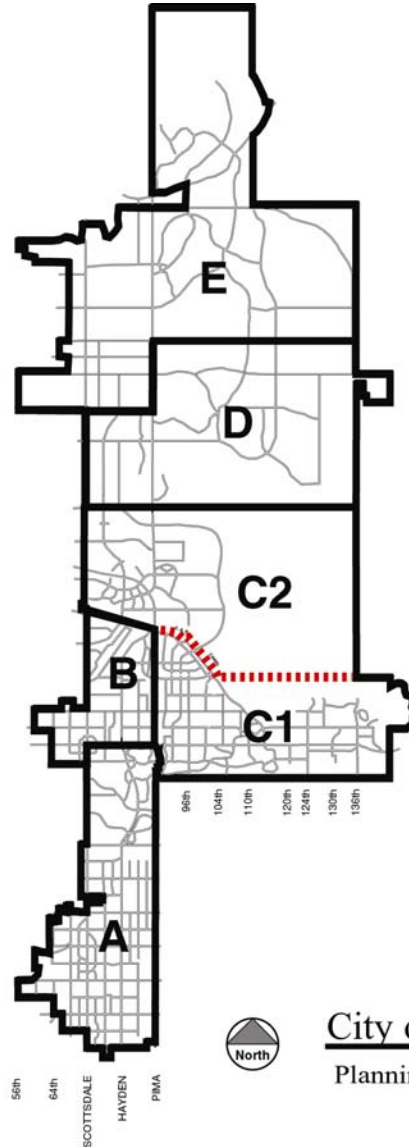
	<i>To:</i>	Group A	Group B	Group C	Group D	Group E
<i>From:</i>	Land Use Plan Category					
Group A	Rural Neighborhoods Natural Open Space		Yes	Yes	Yes	Yes
Group B	Suburban Neighborhoods Developed Open Space Cultural/ Institutional or Public Use			Yes	Yes	Yes
Group C	Urban Neighborhoods Resorts/Tourism	Yes				Yes
Group D	Neighborhood Commercial Minor Office Minor Employment	Yes	Yes			Yes
Group E	Commercial Office Employment Mixed Use Regional Use Overlay	Yes	Yes			

2a. Area of Change Criteria

A change in the land use designation that includes the following gross acreages:

- * Planning Zones A, B 10 acres or more
- * Planning Zone C1, C2, D and E 15 acres or more

JENNY LYNN
CIRCLE MOUNTAIN
HONDA BOW
ROCKAWAY HILLS
DESERT HILLS
JOY RANCH
STAGECOACH PASS
CAREFREE HWY.
DOVE VALLEY
LONE MOUNTAIN
DIXILETA
DYNAMITE
JOMAX
HAPPY VALLEY
PINNACLE PEAK
DEER VALLEY
BEARDSLEY
OUTER LOOP
FRANK LLOYD WRIGHT BLVD.
GREENWAY
THUNDERBIRD
SWEETWATER
CACTUS
CHOLLA
SHEA
DOUBLETREE RANCH
McCORMICK
INDIAN BEND
McDONALD
CHAPARRAL
CAMELBACK
INDIAN SCHOOL
THOMAS
McDOWELL
McKELLIPS



ZONE A includes the Downtown Business/Entertainment District and the most mature neighborhoods in the community

ZONE B includes the Scottsdale Airpark, the fastest growing and one of the three largest employment centers in the metropolitan area

ZONE C covers the East Shea area, McDowell Mountain Ranch, DC Ranch, and Greyhawk, all major master planned developments (C1 & C2 are divided by the CAP Canal and Thunderbird Road)

ZONE D encompasses the Pinnacle Peak, Desert Highlands and Troons communities, and large undeveloped tracts

ZONED E includes Terra Vita, the Boulders, Desert Mountain, Legend Trails, the 15,000-acre tract of State Trust Lands, and other undeveloped lands



City of Scottsdale

Planning Zones

2b. *Acreage Criteria Overriding Incentives*

Certain exceptions to these criteria (2a.) are considered to be in the interest of the general public and in keeping with the mission and values of the community. A proposal that includes any of the following conditions will not be considered as a major amendment:

- A property owner initiated decrease in the residential land use category of units planned by the land use element, or
- A proposal for a change in the land use designation that results in no increase in the planned number of dwelling units and includes at least 30% more Natural Area Open Space than is required by the Environmentally Sensitive Lands Ordinance for the property and that is:
 - of substantial size, that being at least seven or more contiguous acres, and protected in such a manner so as to be designated with the land use category of Natural Area Open Space
 - and where such open space protects sensitive natural features and is visually and/or physically accessible to the general public and does not include lands contained within scenic corridors or vista corridors, or
- A proposal to change the land use category to Cultural/ Institutional with a municipal, public school or non-profit cultural facility when such a proposed facility is not adjacent to a single-family land use designation (Rural or Suburban Neighborhoods) or does not share direct access to any street that has single-family residential driveway access within one half (1/2) mile of the proposal.
- A proposal within the Downtown Plan area that maintains the same development standards type (e.g. Type 1, Type 1.5 or Type 2) and contains no more than fifteen (15) gross acres or less.

3. *Character Area Criteria*

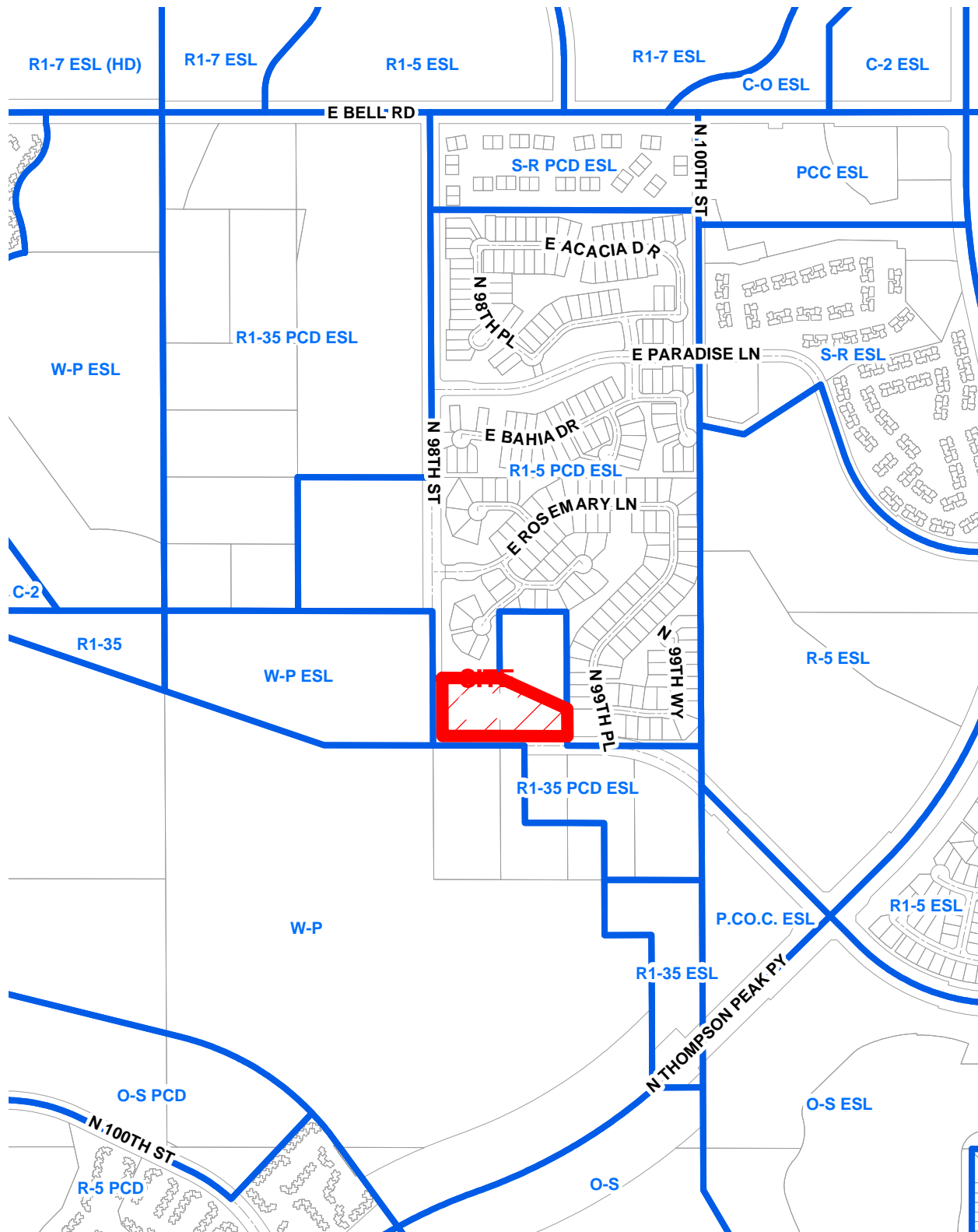
Character areas have been added to the city's planning process in order to recognize and maintain the unique physical, visual and functional conditions that occur in distinct areas across the community. The city recognizes that these form a context that is important to the lifestyle, economic well being and long term viability of the community. These areas are identified by a number of parameters including but not limited to building scale, open space types and patterns, age of development and topographic setting.

If a proposal to change the land use category has not been clearly demonstrated by the applicant to comply with the guidelines and standards embodied within an approved character area plan it will be considered as a major amendment. (Note: The character area plans that qualify for consideration as of November, 2000 include the Desert Foothills Plan, Dynamite Foothills Plan, Cactus Corridor Plan and Downtown Plan.)

4. *Water/Wastewater Infrastructure Criteria*

If a proposal to change the planned land use category results in the premature increase in the size of a master planned water transmission or sewer collection facility it will qualify as a major amendment.

If a project applicant wishes to appeal the designation of a General Plan major amendment, the Comprehensive Planning Division Planning Director, or the position equivalent, will evaluate the appeal and make a major amendment determination.



3-GP-2004

ATTACHMENT #5

3 – GP – 2004
Horseman's Park – SOUTH Parcel
NEIGHBORHOOD INVOLVEMENT REPORT
August 12, 2004

Objective:

To inform citizens, property owners, neighborhood associations and other interested parties about the requested major amendment to the City of Scottsdale General Plan for the Horseman's Park SOUTH Parcel property located at the northeast corner of 98th Street and McDowell Mountain Ranch Road.

Plan Summary:

The neighborhood involvement plan for this application utilizes a combination of neighborhood mailings, meetings and site postings to provide information on the request. A contact list has been developed which includes property owners and homeowners associations within 750 feet of the site and other interested parties as identified by the City of Scottsdale and individual contact.

Written Notifications:

An initial neighborhood mailing was sent on April 22, 2004. This mailing was sent to all individuals on the contact list and provided basic information on the request.

A second neighborhood mailing will take place prior to the neighborhood open house.

Neighborhood Meetings:

In conjunction with the zoning case for the Horseman's Park – NORTH Parcel (8-ZN-2004), a neighborhood open house was held in March 2004 and a meeting was held with the Horseman's Park homeowners association in June 2004. Information regarding this General Plan Amendment application was discussed at these meetings.

Additionally, the City of Scottsdale has held an open house to review and discuss all 2004 General Plan Amendment applications. Representatives for this application were present at this meeting and available to answer questions.

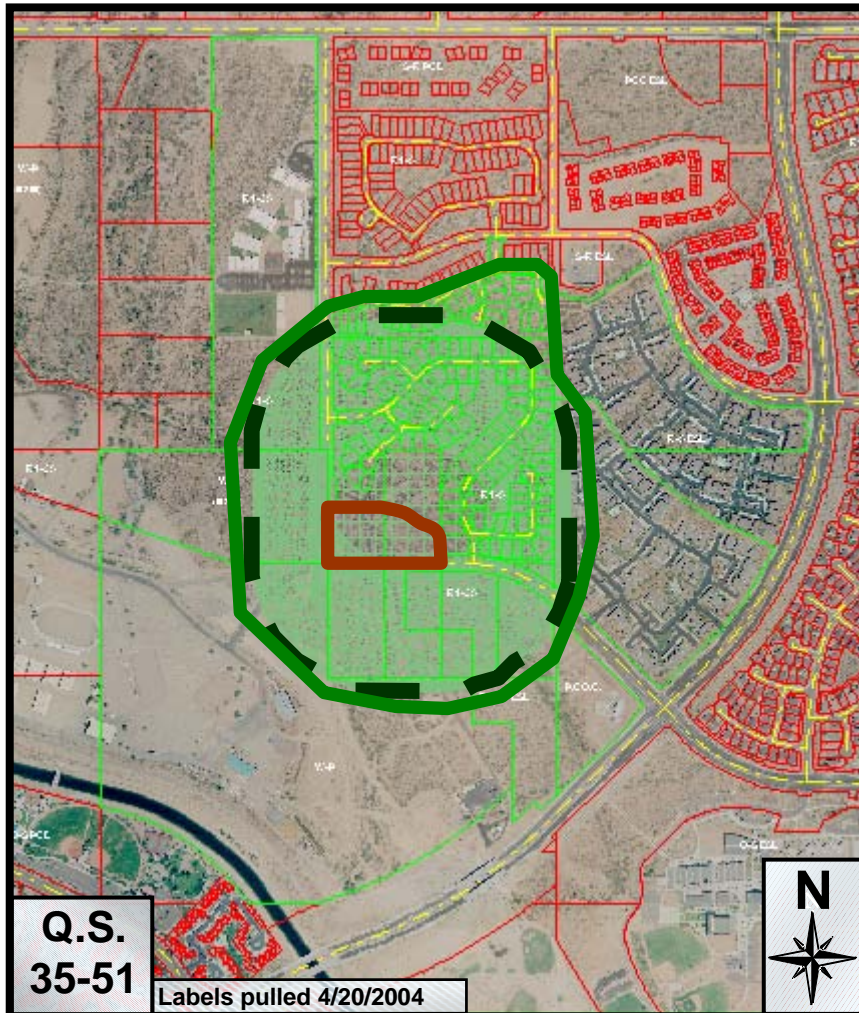
A formal neighborhood open house for this application will be held prior to the September 15, 2004 Planning Commission hearing. In addition, individuals that actively participated in the public hearing process for the Horseman's Park – NORTH Parcel zoning case (8-ZN-2004) will be individually contacted.

Site Posting:




The site was posted with a "Project Under Consideration" sign on April 22, 2004.

The site was posted with a "Zoning / Public Hearing" sign on July 28, 2004.

City Notifications – Mailing List Selection Map



Map Legend:

-  **Site Boundary**
-  **Properties within 750-foot**
-  **Extended Selection**
(Additional properties notified)

Additional Notifications:

- Interested Parties
- Coalition of Pinnacle Peak
- Dakota Apts @ McDowell Mountain Ranch
- Adjacent Home Owners Assoc.
McDowell Mountain Ranch, Canyon Crest,
Horseman's Park, Mirada, Mtn.View
Ranch, NESPOA, Salida, Villages North

Horseman's Park - South Parcel

3-GP-2004

ATTACHMENT #7

REGULAR AGENDA

3-GP-2004 (Horseman's Park – South Parcel) request by Beus Gilbert PLLC, applicant, North Scottsdale PK INV LTD Part 1, owner, for a General Plan Amendment from Suburban Neighborhoods to Office on a 4.6 +/- acre parcel located at the northeast corner of 98th Street and McDowell Mountain Ranch Road.

CHAIRMAN GULINO stated as a reminder the Commission will not be voting on cases 3-GP-2004 or 6-GP-2004 and will act on September 15, 2004.

MR. CURTIS presented the General Plan Amendment portion of the case in fulfillment of the State legislation for remote hearings.

VICE CHAIRMAN STEINBERG inquired if the land contiguous to the north would be developed as residential. Mr. Curtis replied this is now zoned R1-5 with the preliminary plat that is being processed within the city.

JOHN BERRY, 4800 N. Scottsdale Road, representing the applicants, stated if you will recall at a study session meeting sometime ago, the parcel to the north they had submitted a General Plan amendment to change it to minor office to SR in order meet the filing requirements for major amendment to the General Plan, At that time he committed to the Commission that if the zoning case were approved by the City Council they would withdraw that portion of the application. He stated that he wanted them to know we kept our commitment.

He stated that he would like to address a question that was raised in study session regarding major amendments to the General Plan. He discussed the State Statute criteria for General Plan amendments. He further stated that he would encourage the Commission to ask staff whether that criteria is still relevant in the City of Scottsdale given the fact this case is a minor amendment if you look at it in context.

Mr. Berry provided a brief overview of this request stating that it is an excellent proposal that buffers WestWorld, buffers the neighborhood, provides appropriate transition, and meets all the criteria of the General Plan amendment. He commented that he would beg to differ that it is a major amendment but they are dealing with the rules and meet all of the criteria for a General Plan. They are not aware of any neighborhood opposition and will continue to work with the neighbors in the area. They are on record and have committed to file SR zoning application not a CO application to assure the heights are limited to 18 feet adjacent to these neighbors.

COMMISSIONER HEITEL inquired if the reason this is a major General Plan amendment is because of the criteria in the planning code. Mr. Berry replied in

the affirmative. He explained that the criterion is approved by the City Council. He stated that he would encourage them to take a hard look at the criteria. Commissioner Heitel expressed his confusion regarding how a one-acre case becomes as defined in the statutes as a substantial alteration of municipality land use balance, he is trying to grapple with that in fairness to the applicants who come forward and spend this type of money and time. Mr. Berry explained the State legislature gives each city the ability to determine what the substantial alteration of the balance of mix for the entire city was. The City of Scottsdale chose to say that if one-acre does not meet this grid would substantially alter the balance of the uses in the community.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

LEON SPIRO, 7814 E. Oberlin Way, stated that he does not object to this request. He further stated that his concern is the encroachment on the 33-foot GLO roadway easement, which is a federal land patent roadway and public utility easement. He remarked that he has questions for the client's law firm attorney. When were the two parcels making four six-acre parcels lot tied? He further remarked that he believed there is private property right being ignored if the city permits blocking and fencing of public utility rights. He commented that the client should get legal advice in writing.

He requested the following questions be answered:

1. Is the previous Councils decision to disregard the "risk factor" because of a possible private property rights issue, binding on this new Council and this present Planning Commission?
2. Did any member of the city staff other than the Engineering Services Director have the authority to abandon and/or exchange a GLO roadway easement? (Reference Ordinance 1386)
3. As in the past, is the Council/Planning Commission only "abandoning the cities interest and the public's right to these GLO-Federal Land Patent Reservations?

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

MR. BERRY stated that with regard to what the private sector would do is best answered by the Title Insurance Companies that insures against potential risk over the abandoned GLO easements.

MS. BOOMSMA stated with regard to question No. 1 the answer is that the previous Council direction controls until the direction is changed. She further stated that the other two questions are not legal questions. Mr. Jones stated that staff will get a copy of the other two questions and respond to them.